

nished by the General Counsel of the California Medical Association if desired.

Upon the approval of a plan, the California Medical Association will immediately begin, in cooperation with the Emergency Relief Administration, to aid the various county medical societies in the formation of their organization and the names of the officers of these societies will be furnished the Emergency Relief Association for distribution to the County Relief Committees.

On motion of Kress, seconded by Dukes, the following resolution was adopted:

RESOLVED, That a committee consisting of the president, the president-elect, the chairman of the Council, the chairman of the Executive Committee, the chairman of the Committee on Public Relations, the chairman of the Committee on Public Policy and Legislation, and the secretary be authorized to formulate the principles in accordance with the discussion and the tentative rules submitted, with power to act.

The full committee met and authorized Doctors Kelly, Schaupp, and Harris to put the approved tentative rules into proper form for presentation to the Emergency Relief Commission.

AN IMPORTANT COUNTY HOSPITAL COURT DECISION *

Kern County Supervisors Lose in County Hospital Policy Injunction Suit

From the Bakersfield *Californian* of October 17, 1933, the following is reprinted:

"Prohibiting Kern County from taking pay patients at the Kern General Hospital in competition with privately owned hospitals, Superior Judge K. Van Zante of Kings County today made known his ruling in the famous 'hospital case' here and ordered that the county Board of Supervisors be enjoined from taking pay patients at the county hospital and others except those specifically defined by law. It is understood on good authority that the county will immediately appeal the case and carry it through to the Supreme Court for a final decision on the issues of the case. Ten local doctors originally brought suit against the Board of Supervisors seeking a restraining order to prevent the county from accepting pay patients at the county hospital, patients who were given hospitalization at cost prices. The board pursued this policy as well as taking care of indigents and those unable to pay for hospitalization.

Ten Plaintiffs

"The doctors who filed the complaint against the supervisors and county are as follows: O. P. Goodall, T. M. McNamara, P. J. Cuneo, S. C. Long, N. N. Brown, F. J. Gundry, C. S. Compton, W. H. Moore, L. H. Fox, and L. C. McClain.

"Superior Judge K. Van Zante was assigned to Kern County to hear the case, which was begun in June. A great amount of testimony was adduced during the hearing, and many witnesses were examined by opposing counsel. Attorneys Siemon & Clafin and M. S. Platz represented the plaintiff doctors, and Attorneys F. E. Borton and W. A. McGinn appeared for the defendants.

"The substance of Judge K. Van Zante's order received today by F. E. Smith, county clerk, is as follows:

"Ordered that defendants be, and they are hereby enjoined from admitting to Kern General Hospital for hospitalization any persons other than those within the classifications enumerated in paragraph 4 of plaintiffs' amended complaint."

Paragraph Explained

"Thus paragraph 4 of the plaintiffs' complaint holds the key to the court's ruling. This paragraph, paraphrasing the legal statutes defining those admissible to the hospital, limits the use of the county hospital to the following:

"Indigent sick, dependent poor, psychopaths, narcotic addicts, habitual inebriates, those suffering from active tuberculosis, physically defective persons under eighteen years of age in cases where parents are unable to care for them.

"Thus the court's ruling is that the province of the hospital is to treat and care for indigents and those others specifically prescribed by law."

* * *

Physicians Win Ruling Limiting Hospital Cases

Only Indigent Poor, Emergencies, Permitted at County Hospital

The Fresno *Bee* of October 17, commenting on the Superior Court decision in the Kern County suit, under the above heading, prints:

"Superior Judge K. Van Zante issued a permanent injunction today forbidding the Kern County Board of Supervisors to admit any but indigent persons, emergency, psychopathic, and narcotic cases to the Kern General Hospital.

"The ruling, made upon a petition by ten physicians representing the Kern County Medical Society, held that the supervisors' practice of offering hospitalization to all persons is illegal.

"The Board of Supervisors was expected late today to announce an appeal from Van Zante's ruling. The officials

have contended throughout a protracted fight with the physicians and private hospitals that a new state law empowers them to fix defining charges for pay patients.

"The patients to be admitted were classified by the judge in accordance with the physicians' petition. They are 'indigent sick, dependent poor, emergency, psychopathic and narcotic cases.'

"The decision, if affirmed in the higher courts, will mean a reorganization of the hospital admittance system. . . .

* * *

Additional comments from the Fresno *Bee* of October 18 on the Kern County Superior Court decision, *in re* county hospital admission of pay patients, are the following:

Hospital Ruling Puts Damper on Kings Movement

Plans for Conversion Into General Institution Balked by Decision

"The injunction issued by Superior Judge K. Van Zante of Hanford in the Kern County Hospital case, whereby he restrained that institution from admitting pay patients, will, it is believed, probably put a damper on plans to convert the Kings County Hospital into a general hospital.

"According to District Attorney Clarence H. Wilson, the ruling by Judge Van Zante would, unless countermanded on appeal, apply in all counties in similar situations.

"The Kings County Hospital has been admitting only indigent and emergency cases, but some charges have been made in obstetrical and tonsillectomy cases where a surgeon other than the county physician has been employed.

"Several grand juries have recommended that the county hospital make plans toward adopting a general hospital program, but so far the county supervisors have not taken any official action either for or against the plan.

"Ben B. Price, former foreman of the grand jury, today expressed himself still in favor of the principle of admitting pay patients.

* * *

"While official circles here were convinced an appeal will be taken to the State Supreme Court, Dr. Joe Smith, superintendent of the Kern General Hospital, today announced the injunction issued by Superior Judge K. Van Zante here yesterday will have little effect on the operation of the hospital.

"Furthermore, according to Doctor Smith, the provisions of the restraining order, if sustained by the Supreme Court, will not require any change in the building program recently proposed for the hospital, including the immediate erection of a \$250,000 hospital annex.

CARE OF PAY PATIENTS FORBIDDEN

"The injunction was issued on the application of ten Kern County physicians, comprising the county hospital committee of the Kern County Medical Association. It restrains the supervisors and other county officials from permitting the treatment of others than indigents, psychopathic patients, narcotic addicts, and habitual inebriates at the general hospital.

"Doctor Smith said that to his knowledge only four or five of the 393 patients under treatment at the institution today would be excluded as able to pay under the terms of the injunction.

"The hospital chief said the elimination of these patients would not to any important extent overcome the congested conditions which led to the adoption of the building program.

CAPACITY EXCEEDED

"Doctor Smith announced the hospital has averaged 370 patients throughout the present year, although its official capacity is but 250. He declared the institution is three years behind on construction to meet its needs.

"Fred Borton, special attorney who was associated with Civil Deputy District Attorney W. A. McGinn in opposing the application for the injunction, today predicted the supervisors will appeal the case. Borton said the injunction is now in effect and officials must abide by its terms.

"From a source close to the conduct of the case came the statement that the county's stand is considered to have as good a chance of success now as when it was presented. This theory was based on the belief that the outcome depends largely on judicial attitude in the higher court in its interpretation of the law.

RECENT TREND CITED

"It is argued the right of the people to engage through their units of government in various undertakings has been expanded by judicial rulings recently, and that a hospital is a desirable project for community organization.

In their arguments during the trial of the case, the county's attorneys pointed out that certain kinds of equipment desirable for the treatment of diseases are very expensive and could not be made available in many communities if the purchase of this equipment were left to private hospitals.

"Under the policy of the Kern County Board, the general hospital has been open to all taxpayers, and donations of \$3 a day have been accepted from persons able to pay. No forced collections were made. Many persons, including county officials, obtained treatment at the hospital, said to be one of the best equipped in the state."

* See also editorial comments, page 342.